

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JAMES GOMES**

**v.**

**THOMAS FISCHER, et al.**

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**CIVIL ACTION NO. 23-1131**

**ORDER**

This 29th day of June, 2023, upon consideration of the petition for writ of habeas corpus, and after careful review of the Report and Recommendation of United States Magistrate Judge Elizabeth T. Hey, it is **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The petition for a writ of habeas corpus is **DISMISSED** due to Petitioner's failure to exhaust the available administrative remedies; and
3. Petitioner has neither shown denial of a federal constitutional right, nor established that reasonable jurists would disagree with this court's procedural disposition of his claims.

Consequently, a certificate of appealability is **DENIED**.

The Clerk of Court is requested to mark this case closed.

/s/ Gerald Austin McHugh  
United States District Judge